UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.127/Add.2
5 February 1993

ENGLISH
Original: FRENCH

COMMITTEE AGAINST TORTURE

Ninth session

SUMMARY RECORD OF THE THIRD PART (PUBLIC)* OF THE 127th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 13 November 1992, at 4.25 p.m.

Chairman: Mr. VOYAME

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* The summary record of the first part (public) and the second part (closed) of the meeting appear as documents CAT/C/SR.127 and CAT/C/SR.127/Add.1 respectively.

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GE.92-14467 (E)

The third part (public) of the meeting was called to order at 4.25 p.m.

CONSIDERATION OF THE REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Initial report of New Zealand (CAT/C/12/Add.2) (continued)

1. At the invitation of the Chairman, Mr.Bisley, Mr. Rider, Mr. Bilkey and Mr. Barker (New Zealand) took places at the Committee table.

2. Mr. EL IBRASHI (Alternate Country Rapporteur) read out the Committee's conclusions on the report of New Zealand, as follows:

"The Committee against Torture considered the report of New Zealand under article 19 of the Convention. It expresses its gratitude for the report, its presentation and the clarifications presented by the New Zealand delegation. It considers the report as comprehensive and objective. It expresses also its satisfaction that the report indicates that no one in New Zealand has been convicted of or charged with committing an act of torture and that there has been no report of torture having taken place in New Zealand, either in the period under review or before or since that time.

"The Committee considers that the articles of the Convention seem to be incorporated in New Zealand's legislation, specifically the Crimes of Torture Act of 1989 issued in New Zealand in connection with its accession to the Convention.

"However, members of the Committee raised during discussions the reservation of New Zealand on one of the core articles of the Convention, which is article 14 regarding compensation for victims of torture. The Committee expresses the hope that the New Zealand authorities will review its reservation to ensure its full compliance with the articles of the Convention."

3. The CHAIRMAN said that the report submitted by New Zealand could unofficially be described as a "model report" that could be communicated as an example to countries wishing to know exactly what was expected of them by the Committee. He also recalled that one member of the Committee had in particular welcomed the fact that a specific law on torture had been promulgated in New Zealand. Generally speaking, New Zealand's legislative provisions had been found to conform to the Convention, subject to doubts concerning the application of articles 8 and 9 of the Convention. Indeed, the Committee was not sure that all States parties were treated in an identical fashion by New Zealand in extradition and legal aid matters. He thanked the New Zealand delegation for the way it had submitted the report and for the fruitful cooperation that had been established.

4. Mr. Bisley, Mr. Rider, Mr. Bilkey and Mr. Barker (New Zealand) withdrew.

5. The meeting was suspended at 4.35 p.m. and resumed at 4.40 p.m.

PREPARATORY ACTIVITIES RELATING TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 7) (continued)

6. The CHAIRMAN invited the Committee to decide how it would participate in the various meetings to be held in connection with preparations for the World Conference on Human Rights, namely, the regional meetings (at San José and Bangkok), the fourth session of the Preparatory Committee, the Management Committee and the World Conference itself.

7. Mr. KHITRIN said he shared the views previously expressed by Mr. Burns and felt it would be unnecessary for a member of the Committee to participate in the regional meetings, which would in essence engage in general discussions and deal with questions of procedure. On the other hand it was most desirable that the Chairman should take part in the World Conference.

8. Mr. LORENZO said that although the Committee should obviously not go too far in participating in activities that were not directly connected with the exercise of its functions in application of articles 19, 20 and 22 of the Convention, its participation in meetings organized at the international level was without value since the Committee against Torture was relatively young and still rather unknown. Anything that was done to bring it to the attention of the international community and international public opinion was of importance and contributed to efforts to curb torture. Referring to his own diplomatic studies, he emphasized the many aspects of power in international relations, such as political power, military power, demographic power but also prestige - prestige being the most important. The twentieth century was the century of communication, so that the Committee should not neglect public relations which offered it a means of achieving its objectives.

9. If a choice had to be made, it was obvious that the Committee should be represented at the World Conference rather than at the regional meetings. All members of the Committee who could attend the World Conference at Vienna would have very useful contacts with States, the other bodies represented and the non-governmental organizations. The minimum solution would be for at least the Chairman and the three Vice-Chairmen (representing various regions) to be present at Vienna.

10. Lastly, since questions of substance affecting the functioning of human rights treaty bodies or the coordination of such bodies would be dealt with at the World Conference, it was not without importance that the Committee against Torture should be represented during the preparatory activities so that it could express its views.

11. Mr. BEN AMMAR said that the Committee should agree on the purpose of its possible participation in any given regional meeting. If the objective was to pass on the Committee's message, it must be borne in mind that its representative would be able to make only one five- or ten-minute statement of the 100 statements made by States parties and representatives of non-governmental organizations. That was admittedly useful, but to be realistic it was clear that the Committee would be unable really to influence the conclusions reached by the meeting.

12. Mr. SORENSEN said that any opportunity to speak about torture should be seized without hesitation.

13. Mr. EL IBRASHI noted that the problem was essentially one of a financial nature, because if the Committee had the necessary resources it would certainly want to be present at the major meetings held at the international level in order to draw attention to its activities. Just as a country with scant resources nevertheless had itself represented symbolically by a sportsman carrying its flag at the Olympic Games, the Committee should be represented at major human rights meetings. But obviously if priorities were to be drawn up, the Committee should above all make sure that it participated in the World Conference.

14. Mr. GIL LAVEDRA endorsed Mr. El Ibrashi's observations; priorities had to be established in the light of given financial circumstances.

15. The CHAIRMAN noted that two members of the Committee had opposed participation in regional meetings and that the others were in favour of such participation if the Committee's financial situation allowed it to do so; the discussion had also revealed that priority should be given to participation in the World Conference as compared to other meetings.

16. Mr. BRUNI (Secretary of the Committee) informed the Committee that as at 31 October 1992 it had had only US$ 137,000 at its disposal; nor did that amount reflect expenditure connected with the present session.

17. The CHAIRMAN said that, in view of that particularly alarming situation, the Committee was forced to be parsimonious and should decide upon its participation in preparations for the World Conference on the basis of priorities. He accordingly proposed that the Committee should decide not to participate in the regional meetings.

18. Mr. LORENZO accepted the Chairman's conclusion and suggested that if one of the members of the Committee could participate in a regional meeting without the Committee's financial support he should do so and take the floor there as an official representative of the Committee.

19. Mr. BURNS supported that suggestion.

20. Mr. SORENSEN said that he had to be at San José (Guatemala) at the time of the regional meeting in connection with a mission financed by the Danish Government in the context of its assistance to a readaptation centre for torture victims. He wondered whether members of the Committee would agree to his participating in the San José regional meeting on behalf of the Committee against Torture.

21. The CHAIRMAN said he would like to know the views of the two members of the Committee from Latin America who, in the absence of financial difficulties, would have logically represented the Committee at the San José regional meeting.

22. Mr. GIL LAVEDRA pointed out that the principle of the geographical distribution of Committee members was embodied in the Convention and that the

Committee should therefore be represented at regional meetings by experts from the region in question, since they were particularly familiar with the situation and problems there. In view of circumstances, however, that could not be done but as Mr. Sorensen would be at San José at the time of the meeting it was both quite natural and desirable that he should participate in that meeting on behalf of the Committee.

23. Mr. LORENZO endorsed that view.

24. Mr. EL IBRASHI proposed that, on the basis of that approach, the Committee should in future abide by the following rule: in the case of regional meetings the Committee should if possible be represented by the member or members from the region in question; if those members were unable to participate in the meeting any other member of the Committee would be empowered to participate in the meeting on behalf of the Committee.

25. Mr. DIPANDA MOUELLE supported that proposal.

26. The CHAIRMAN said that, in the absence of any objection, he would assume that the Committee adopted the rule formulated by Mr. El Ibrashi, and that since neither Mr. Gil Lavedra nor Mr. Lorenzo would be able to represent the Committee at the San José regional meeting and that Mr. Sorensen would be able to do so, Mr. Sorensen would be authorized to speak on behalf of the Committee against Torture at that regional meeting.

27. It was so decided.

28. The CHAIRMAN noted, in connection with the Committee's participation in the Bangkok meeting, that no member of the Committee belonged to that Asian region.

29. Mr. SORENSEN informed members of the Committee that, as far as he knew, the Asian countries did not desire members of treaty bodies to participate in the Bangkok meeting.

30. The CHAIRMAN said that in the absence of any objection, the Committee would not be represented at the Bangkok regional meeting if it was held.

31. It was so decided.

32. The CHAIRMAN noted that the Preparatory Committee would hold its next session in spring, at the same time as the Committee against Torture. Arrangements must be made to enable the representatives of the Committee against Torture in the Preparatory Committee, namely, Mr. Sorensen and Mr. Mikhailov, to participate from time to time in the work of the Preparatory Committee without having to neglect their duties in the Committee against Torture.

33. Mr. BURNS felt that an arrangement of that nature was possible without burdening the two representatives of the Committee unduly and at the same time ensuring that a quorum was always maintained at the meetings of the Committee against Torture.

34. At the request of Mr. Sorensen, the CHAIRMAN said that Mr. Sorensen and Mr. Mikhailov would as far as possible be relieved of their duties as Rapporteur and Alternate Rapporteur at the Committee's next session. He went on to ask whether members of the Committee considered it desirable that one of their number should participate in the meeting of the Management Committee.

35. Mr. SORENSEN considered it was too early to take a decision of that nature; it would be better to await the results of the Preparatory Committee's next session. Moreover, the financial circumstances of the Committee against Torture might well have changed by that time.

36. Mr. GIL LAVEDRA considered that the Committee could decide, as a first step, not to participate in the meeting even if subsequently it had to go back on its decision.

37. Mr. BEN AMMAR proposed that, before reaching a decision in the matter, the Committee should await the results of the Preparatory Committee's fourth meeting.

38. The CHAIRMAN supported that proposal.

39. It was so decided.

40. The CHAIRMAN then raised the question of participation in the World Conference on Human Rights in June 1993. He would probably not be available at that time, and in any event he would have reached the end of his tenure as Chairman of the Committee against Torture.

41. Mr. LORENZO said that the participation of the Chairman, as well as that of the three Vice-Chairmen, would be most desirable.

42. Mr. SORENSEN recalled that as he had participated in the preparations being made for the Conference he would like to take part in the Conference itself.

43. Mr. GIL LAVEDRA and Mr. EL IBRASHI were in favour of Mr. Sorensen's participation but hoped that the Chairman of the Committee would also attend the Conference.

44. The CHAIRMAN observed that the recommendations drawn up by certain committees for the World Conference had been transmitted to the United Nations Secretariat. Mr. Sorensen and Mr. Mikhailov had prepared a draft recommendation on behalf of the Committee against Torture, and he requested them to make it available to members of the Committee.

45. Mr. SORENSEN confirmed that Mr. Mikhailov and he himself had drawn up a draft recommendation; however it was simply a first draft which should be discussed at the Committee's next meeting.

46. The CHAIRMAN thanked Mr. Sorensen and Mr. Mikhailov for their work and proposed that members of the Committee should give their first impressions of the draft.

47. Mr. KHITRIN agreed that the draft recommendation could be used as a basis for discussion and work.

48. Mr. GIL LAVEDRA said he did not have a copy of the text and requested its distribution to members of the Committee so that it could be discussed in more detail.

49. Mr. BEN AMMAR, who was familiar with the draft, drew the Committee's attention to a point which it failed to mention, namely, the financial problems confronted by human rights bodies. It was his understanding that the proportion of the United Nations budget devoted to human rights activities accounted for only one per cent of the total, whereas such activities appeared to represent an increasing priority for the Organization. That was an obvious contradiction and the Committee might consider proposing a review of budgetary allocations. The Committee could also formulate joint recommendations with the Special Rapporteur on Torture of the Commission on Human Rights.

50. Mr. MIKHAILOV explained that his discussions with Mr. Sorensen had focused mainly on the principles underlying the draft rather than on its actual wording. He therefore proposed that Mr. Sorensen and he himself should review the wording together with Mr. Burns and Mr. Bruni, the Secretary.

51. The CHAIRMAN proposed that Mr. Ben Ammar should also be associated with that project.

52. It was so decided.

53. The CHAIRMAN announced that the text of the recommendations of other committees to the World Conference would be distributed to members of the Committee at its next session.

The meeting rose at 5.55 p.m.